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*Counsel for Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

The Church of the Eagle and the Condor *et al.*,

Plaintiffs,

vs.

Merrick Garland *et al.*,

Defendants.

**Case No. 2:22-cv-01004-SRB**

**UNOPPOSED MOTION TO  
EXTEND RESPONSIVE  
PLEADING DEADLINE  
(Second Request)**

Defendants through counsel and pursuant to Fed. R. Civ. P. 6(b) and LRCiv 7.3, seek an order extending the deadline to file an answer for 30 days, until May 3, 2023, or 30 days following any amended complaint by Plaintiffs, whichever is later. This is the second request for an extension by Defendants in this matter. Plaintiffs do not oppose this request.

Plaintiffs filed their Complaint on June 9, 2022 (Doc. 1) and served a copy of the Complaint and Summons on the United States Attorney's Office for the District of Arizona on August 19, 2022 via certified mail (Doc. 17). The Complaint sought declaratory and injunctive relief stemming from claims under the Religious Freedom Restoration Act of

1 1993 (“RFRA”), 42 U.S.C. § 2000bb-2000bb (4) and under the First, Fifth, and Ninth  
2 Amendments of the Constitution. The Complaint also asserted two claims under the  
3 Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 (a)(8)(A).

4 On November 15, 2022, Defendants moved to dismiss the RFRA and constitutional  
5 claims (Doc. 23). On March 20, 2023, the Court granted that motion in part, dismissing  
6 the constitutional claims (Doc. 26). The Court set a Rule 16 Case Management Conference  
7 for April 20, 2023, with the parties’ Joint Case Management Report the previous week on  
8 April 13, 2023 (Doc. 27).

9 Under Federal Rule of Civil Procedure 12, Defendants’ deadline to answer would  
10 be due on April 3, 2023. That deadline would come before the parties are able to meet and  
11 confer per Federal Rule of Civil Procedure 26(f) regarding the joint case management  
12 report. Undersigned has multiple preexisting summary judgment briefing deadlines in  
13 other matters over the next two weeks. In addition, Plaintiffs have suggested in  
14 correspondence that they may seek to amend the complaint, in which case, Defendants  
15 would answer the amended pleading instead.

16 Undersigned contacted Plaintiff’s counsel, who does not object and will not oppose  
17 Defendants’ request. Finally, the requested extension would not result in a significant  
18 delay and undersigned affirms it is not sought for any other improper purpose.

19 For all the foregoing reasons, Defendants request that the Court issue an order extending  
20 the answer deadline for the remaining claims for 30 days, up to and including May 3, 2023,  
21 or 30 days following any potential amended complaint by Plaintiff, whichever is later.

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23 Respectfully submitted this 30th day of March, 2023.

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25 BRIAN M. BOYNTON  
26 Principal Deputy Assistant Attorney  
27 General

28 BRIGHAM J. BOWEN  
Assistant Branch Director

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/s/ Giselle Barcia  
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U.S. Department of Justice  
  
*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 30, 2023, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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s/ Giselle Barcia  
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